

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

KOWAN POOLE,

Defendant.

20 Cr. 3-11 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On December 3, 2021, Defendant Kowan Poole was sentenced principally to a term of 26 months' imprisonment on Count One of Indictment 20 Cr. 3. (See Dkt. #39 (indictment), 298 (judgment); December 3, 2021 Minute Entry).

On March 4, 2024, Defendant filed a motion requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which amendment went into effect on November 1, 2023, and applies retroactively. (Dkt. #504). The United States Probation Department thereafter issued a supplemental presentence investigation report indicating that Defendant is not eligible for a sentence reduction under Amendment 821. (Dkt. #505).<sup>1</sup>

The Court has considered the record in this case and Defendant's submission on his motion. The Court finds that Defendant is ineligible for a

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<sup>1</sup> Specifically, while Defendant "is eligible for the status point recalculation" pursuant to the amended USSG §4A1.1(e), Defendant is "precluded from a sentence reduction because the [applicable] Total Offense Level and Criminal History Category do not change as a result of the[] guideline amendments. Furthermore, [D]efendant is also precluded from a sentence reduction because the original sentence was at or below the low end of the amended guideline range." (Dkt. #505 at 2-3).

reduction in his sentence because his Total Offense Level and Criminal History Category do not change as a result of Amendment 821, and thus DENIES his motion. The Clerk of Court is directed to mail a copy of this Order and the accompanying AO 247 form to Mr. Poole at the following address:

KOWAN POOLE, #42464-007  
FEDERAL CORRECTIONAL INSTITUTION MCKEAN  
P.O. BOX 8000  
BRADFORD, P.A. 16701

SO ORDERED.

Dated: March 28, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

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KATHERINE POLK FAILLA  
United States District Judge